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12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 PERFECT 10, INC., a California corporation

15 Plaintiff,

16 vs.

17 RAPIDSHARE A.G., a corporation,
18 CHRISTIAN SCHMID; BOBBY CHANG;
19 and DOES 1 through 100, inclusive

20 Defendants.

21 CASE NO. 09 CV 2596 H (WMC)

22 **DECLARATION OF JEFFREY N.**
23 **MAUSNER IN SUPPORT OF THE JOINT**
24 ***EX PARTE* MOTION TO VACATE**
25 **PRIOR RULING IN FURTHERANCE OF**
26 **THE SETTLEMENT AGREEMENT**

27 CTRM: 13
28 JUDGE: Hon. Marilyn L. Huff

DATE FILED: November 18, 2009
TRIAL DATE: None Set

29 AND RELATED COUNTERCLAIMS

DECLARATION OF JEFFREY N. MAUSNER

I, Jeffrey N. Mausner, declare as follows:

1. I am a member of the State Bar of California and admitted to practice before this Court. I am counsel of record for Plaintiff Perfect 10, Inc. ("Perfect 10") in this action. All of the matters stated herein are of my own personal knowledge, except where otherwise stated, and if called as a witness, I could and would testify competently thereto.

2. On May 12, 2010, the Court entered the Order Re: (1) Granting In Part And Denying In Part Defendants' Motion To Dismiss For Lack Of Personal Jurisdiction; And (2) Denying Defendants' Motion To Dismiss For Forum Non Conveniens (Doc. No. 60) (the "Jurisdiction Order"), in which the Court dismissed the claims against Christian Schmid and Bobby Chang for lack of personal jurisdiction, but denied the motion as to RapidShare, and further denied the motion to dismiss for *forum non conveniens*.

3. RapidShare AG and Perfect 10 (collectively, the "Parties") have reached a confidential settlement agreement. The Parties' joint request to vacate the Court's prior ruling that RapidShare is subject to personal jurisdiction, as set forth in the Jurisdiction Order, is a condition of the settlement agreement. The Parties do not seek vacatur of the Court's other rulings contained in the Jurisdiction Order, which granted dismissal in favor of Christian Schmid and Bobby Chang for lack of personal jurisdiction, and denied the *forum non conveniens* motion.

4. The Parties have also agreed to seek a stay of all proceedings pending entry of a ruling on the joint *ex parte* motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and that this Declaration was executed this 22nd day of July, 2010 in Los Angeles County, California.


JEFFREY N. MAUSNER